

REMARKS

All outstanding requirements will now be addressed in the order they appear in the Office Action mailed February 1, 2010.

Claim Rejections – 35 USC § 103

Claims 29, 30, 35, 39-41, 43-47, 51, 52, and 58 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Bigelow (4327529) in view of Bolt (3103709). Claims 31, 32, 36-38, 42, 48, 49, 54, and 55 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Bigelow in view of Bolt as applied in claims 29 and 43, respectively, and further in view of Gregory (4501098). In addition, claim 53 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Bigelow in view of Bolt as applied to claim 44, and further in view of Smith (3462891).

Applicant respectfully denies that claims 29-32, 35-49, 51-55, and 58 are unpatentable. Specifically, Applicant respectfully submits that the combination of references cited does not teach or recite at least the following selected claim limitations:

1. In claims 29, 43, 59, 60, and 61, ***at least one service module..., wherein critically its height substantially corresponds to half of its length*** – As admitted by the Examiner, Biegelow does not disclose this limitation (see, Office action of February 1, 2010, page 3, first sentence). In addition, Bolt does not disclose a service module at all. Even assuming *arguendo* that the building unit of Bolt is considered a “service module”, Bolt still fails to teach or recite this limitation as it discloses that “[t]he length of the floor member 15 is ***more than*** twice the height of the end frames ...”(see, Bolt, col. 2, lines 1-4, emphasis added).
2. In claims 29, 43, 59, 60, and 61, ***at least one vertical segment of a frame construction, critically having the height substantially corresponding to the height of the service module and the length substantially corresponding to the length of the service module*** – As admitted by the Examiner, Bigelow does not disclose this limitation (see, Office action of February 1, 2010, page 3, first sentence). In addition, Bolt does not disclose any

vertical segments that have the height substantially corresponding to the height of the service module and the length substantially corresponding to the length of the service module and the Examiner has not identified any such segments by reference to a specific element described or illustrated in Bolt. In fact, in Bolt there is no dependence of the dimensions of the horizontal and vertical segments on the dimensions of the service module.

3. In claims 36 and 42, “***the length and width of the service module correspond to length and width of a standardized container***”. As admitted by the Examiner, Biegelow-Bolt does not disclose this limitation (see, Office action of February 1, 2010, page 4, lines 8-9). In addition, in Gregory, the lengths and widths of a service module are not matched to a standardized container. In fact, a service module in Gregory is not even transported in a container (see, Fig. 1 of Gregory).

4. In claims 46 and 52, “***the horizontal (3) and vertical (4) segments are of the same construction***”. The Examiner fails to allege that this limitation is taught or recited by Bigelow-Bolt. Bigelow does recite that the building includes side walls 33, end walls 34, and roof 30. However, it is clear by inspection (see Fig. 1 of Bigelow) that they are not of the same construction.

5. In claims 47 and 53, “***the horizontal (3) and vertical (4) segments are of the same dimensions***”. The Examiner fails to allege that this limitation is taught or recited by Bigelow-Bolt. Bigelow does recite that the building includes side walls 33, end walls 34, and roof 30. However, it is clear by inspection (see Fig. 1 of Bigelow) that they are not of the same dimensions.

Further to the differences discussed above, Applicant wishes to present the following additional comments and explanations, which include several secondary factors weighing against the finding of obviousness.

1. According to the present invention the optimization of transportation space is not achieved by providing vertical segments (floor members) dimensioned in a manner dependent on dimensions of vertical segments (end frames) as according to Bolt but by

providing segments (one type of segments as far as geometrical parameters are concerned; particularly excepting for joining means with which each segment is jointed) the dimensions of which are dependent on the respective dimensions of the service module. Prior to Applicant's invention, it was not known that providing one geometrical type of segments would allow for the optimization of transportation space.

2. The set of elements used in construction of the building according to Bigelow-Bolt comprises one-piece floor members, end frames connected to floor members, and one-piece roof members; whereas building according to the present invention is constructed using at least one service module, and a set of paned modular elements (i.e. vertical segments and horizontal segments) which have substantially identical dimensions and constructions. Prior to Applicant's invention, it was not known that providing a service module and one geometrical type of segments would allow for the optimization of transportation space and improve construction speed.

3. The diversity of modular component elements of building according to Bigelow-Bolt is considerably larger than that of modular component elements of the building according to the invention. First, labor intensity and the cost related to producing the components of the building according to the invention are considerably lowered comparing components of the building according to Bigelow-Bolt (furthermore to the greater components diversity a necessity of making pivoted connections between floor member and end frames increases contemplated factors for the cited solution of Bigelow-Bolt). Second, the difference in modular component element diversity results also in decreased labor intensity related to erecting the building at the building site when compared to the building of Bigelow-Bolt.

4. Though diversity of modular component elements of building according to present invention is smaller than that in Bigelow-Bolt, the present invention enables constructing significantly more architecturally-complicated building structures. Bigelow-Bolt does not substantially enable an easy construction of multi-story buildings, whereas such buildings may be relatively simply erected according to the instant invention.

5. In Bigelow-Bolt the elements which take on vertical construction loads are uprights whereas according to the present invention the whole vertical segments take on the loads. Therefore, the building according to the invention is more robust than the buildings according to Bigelow-Bolt.

6. The buildings according to Bigelow-Bolt do not comprise preliminary built-in installations, whereas building according to the present invention is provided with initial equipment of a service module with suitable installations comprising for example electrical installation, water supply and sewer system. It is inherent in the term “service module” that electrical and plumbing works are provided therein.

7. The building of Bigelow-Bolt does not comprise a service module at all. Dimensions of end frames are dependent on dimensions of the floor members in such a way that the length of the floor member is more than twice the height of the end frames, wherein the length of the floor member is greater than the width thereof. According to the present invention the proportions of particular dimensions of vertical and horizontal segments are dependent on the specific dimensions of the service module, i.e., the width of the segments substantially corresponds to the height of the service module and the length of the segments substantially corresponds to the length of the service module. In addition, according to the present invention, all segments are substantially of the same dimensions.

Withdrawal of the 103 rejections over the claims as amended is respectfully solicited in light of the amendments and arguments made above.

Status of Claims 33 and 34

On USPTO form PTOL-326 (Office Action Summary), the Examiner included claims 33 and 34 in the rejected claims. However, in the section labeled “Claim Rejections – 35 USC § 103” which begins on page 2 of the Office action dated February 1, 2010, a detailed rejection and explanation as to the lack of patentability of these claims was missing. Clarification and appropriate correction is requested.

Allowable Subject Matter

Claims 50 and 56 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 57 corresponds to so rewritten claim 50 and claim 59 corresponds to so rewritten claim 56.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant submits that the pending claims are in condition for allowance. Early and favorable reconsideration is respectfully solicited. Should an extension of time be required, Applicants hereby petition for same and request that the extension fee and any other fee required for timely consideration of this submission only be charged to **Deposit Account No. 503182** to the extent that the fees were not already submitted through EFS-Web.

Customer Number: **33,794**

Respectfully Submitted,

/Matthias Scholl/
Dr. Matthias Scholl, Esq.
Reg. No. 54,947
Attorney for Applicant

Date: April 27, 2010